

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC IMMEDIATE 2118

INFO SECDEF WASHDC IMMEDIATE/ZFF

AMEMBASSY ATHENS

AMEMBASSY NICOSIA

AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

USMISSION USNATO

DIRNSA WASHDC

USNMR SHAPE

CINCUSAFE

CINCEUR ZFF

USDOCOSOUTH NAPLES

CINCUSAREUR

CINCUSNAVEUR LONDON

S E C R E T ANKARA 0583

EXDIS

MILITARY ADEES HANDLE AS SPECAT EXCLUSIVE

E.O. XGDS-3 INDEFINITE

TAGS: MASS, MARR, TU, PFOR

SUBJECT: TURKISH BASE NEGOTIATIONS: NATO/SOFA

REF STATE 015379 DTG 212352Z JAN 76

1. MOST APPRECIATE PROMPT RESPONSE REFTEL TO OUR
NATO/SOFA QUERIES. MSA COUNSELOR GARDNER DELIVERED LIST
BY TOPIC OF U.S. SOFA IMPLEMENTATION NEEDS COMPILED IN
ACCORDANCE REFTEL TO MFA DEPUTY DIRECTOR FOR INTERNATIONAL
SECURITY AFFAIRS ASULA THIS MORNING (JANUARY 22).
ASULA STATED THAT HE WOULD TRANSMIT LIST IMMEDIATELY

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TO SECGEN ELEKDAG AND RESTRICTED HIS COMMENTS ON THE

CONTENTS TO TWO MATTERS, TAX RELIEF AND MILITARY POST OFFICES.

A. WHEN QUERIED BY ASULA WHY CERTAIN TAX RELIEF PROVISIONS WOULD BE INCLUDED IN SOFA IMPLEMENTATION RATHER THAN TAX RELIEF AGREEMENT, GARDNER MADE POINT CONTAINED PARA 4E REFTL. ASULA STATED THAT GOT WOULD PREFER ALL TAX RELIEF PROVISIONS BE CONTAINED IN ONE AGREEMENT SINCE TAX RELIEF REQUIRES LEGISLATIVE APPROVAL AND THIS WOULD BE MORE EASILY OBTAINED IF INCLUDED IN ONE DOCUMENT. WHEN ASKED WHETHER LAW ENDORSING 1954 TAX RELIEF AGREEMENT HAD BEEN REPEALED BY PARLIAMENT, ASULA STATED THAT HE WAS QUITE CERTAIN BUT COULD NOT CONFIRM THAT THIS HAD BEEN DONE. GARDNER REPEATED ONCE AGAIN THAT U. S. WOULD REQUIRE A BILATERAL AGREEMENT GRANTING TAX RELIEF AT TIME OF NEW DEFENSE AGREEMENT IF PROVISIONS OF 1954 AGREEMENT DO NOT REMAIN IN FORCE.

B. ASULA STATED THAT USG SHOULD BE AWARE FROM LONG HISTORY OF OUR DISCUSSIONS ON THIS SUBJECT THAT THERE ARE POLITICAL AND CONSTITUTIONAL IMPEDIMENTS TO GOT'S APPROVING MILITARY POSTAL SERVICE IN WRITTEN AGREEMENT. ASULA STATED, HOWEVER, THAT GOT WOULD PROBABLY BE WILLING TO RENEW ITS ORAL AGREEMENT FOR MILITARY POST OFFICE PACKAGE SERVICE. GARDNER NOTED THAT USG WAS AWARE OF GOT SENSITIVITY TO MILITARY POST OFFICES, THAT CONSTITUTIONAL IMPEDIMENTS HAD OFTEN BEEN MENTIONED IN THE PAST, BUT THAT EXACT CONSTITUTIONAL PROVISIONS CAUSING THIS PROBLEM HAD TO HIS KNOWLEDGE NEVER BEEN SPELLED OUT. GARDNER ADDED THAT, WHILE U.S. CONSTITUTION RESERVES FOR CONGRESS THE RIGHT TO ESTABLISH POST OFFICES, THIS HAD NOT PREVENTED USG FROM AGREEING UNDER NATO/SOFA TO GERMAN MILITARY POST OFFICES ON ITS TERRITORY. ASULA PROMISED TO PROVIDE ADDITIONAL INFORMATION ON GOT LEGAL RESTRICTIONS. COMMENT: WE CAN FIND NO MENTION OF POSTAL SERVICE IN TURKISH CONSTITUTION.

2. ACTION REQUESTED:

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A. FOR BACKGROUND OF NEGOTIATING TEAM, WE WOULD MOST APPRECIATE KNOWING WITH WHICH NATO COUNTRIES USG HAS WRITTEN AGREEMENTS COVERING MILITARY POST OFFICES AND WHETHER THESE ARE IN FORM OF SOFA IMPLEMENTATION OR OTHER AGREEMENTS.

B. WOULD ALSO APPRECIATE CONFIRMATION THAT WE

WOULD BE WILLING TO PERMIT TURKISH MILITARY POST OFFICE
IN U.S., FOR GOT PURCHASING MISSION, FOR EXAMPLE, IF
GOT SO DESIRED (WHICH WE BELIEVE HIGHLY UNLIKELY).

REGARDING PARA 4G REFTTEL, ASULA CONFIRMED THAT
GOT CONSIDERS 1968 AGREEMENT ON DUTY CERTIFICATES
STILL IN EFFECT. MOREOVER, TURKISH GENERAL STAFF J6
AND DIRECTOR OF LEGAL AFFAIRS HAVE EXPRESSED TO
JUSMMAT THEIR REALIZATION OF NECESSITY FOR PROCEDURES
TO PROCESS DUTY CERTIFICATE CASES AND HAVE GIVEN
ORAL ASSURANCES THAT DUTY CERTIFICATE AGREEMENT REMAINS
IN EFFECT. GOT PRACTICE TO DATE ALSO CLEARLY INDICATES
THIS. KOENIG CASE APPEARS TO HAVE BEEN AN ANOMALY WHICH
Arose THROUGH LOCAL INTERPRETATION OF ERRONEOUS PRESS
REPORTS CONCERNING GOT POSITION ON FOREIGN CRIMINAL
JURISDICTION. MINISTRY OF FOREIGN AFFAIRS OFFICIALS
WORKED ASSIDUOUSLY AND SUCCESSFULLY TO STRAIGHTEN
KOENIG CASE OUT, AND WE HAVE HAD NO FURTHER PROBLEMS
WITH DUTY CERTIFICATE CASES. EMBASSY/JUSMMAT VIEW IS
THAT CRIMINAL JURISDICTION OUTLOOK IS GOOD. DESPITE
SOME LOCAL PROBLEMS PROBABLY CAUSED BY ARMS EMBARGO
AND RESTRICTIONS ON U.S. OPERATIONS, THERE ARE NO RPT NO
INDICATIONS OF CHANGE IN OFFICIAL GOT POSITION
SUPPORTING CURRENT CRIMINAL JURISDICTION PROCEDURES.

4. WITH REGARD TO COMMENTS PARA 4H, REFTTEL, THE LANGU-
AGE WE PROPOSED REGARDING AN INDICATION OF STATUS
OF DEPENDENTS AND MEMBERS OF CIVILIAN COMPONENT ON
PASSPORTS PARALLELS LANGUAGE OF PARA 3 OF 1954 SOFA
EXTENSION. U.S. AUTHORITIES HAVE HISTORICALLY COMPLIED
WITH THIS REQUIREMENT AND DEPENDENTS AND MEMBERS OF
THE CIVILIAN COMPONENT ASSIGNED TO TURKEY ARE ROUTINELY
ISSUED PASSPORTS INDICATING THEIR STATUS.

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